



FRANK A. TERRY JR.
SECRETARY

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF ENVIRONMENTAL AFFAIRS

B. JIM PORTER
ASSISTANT SECRETARY

May 16, 1980

CERTIFIED MAIL - RETURN RECEIPT REQUESTED (5605238)

Good Hope Refinery
P. O. Drawer 537
Good Hope, La. 70079

Gentlemen:

Re: Good Hope Refinery ID Waste Streams No. GD-316-10: and an unidentified laboratory waste. Notice of Violation: Act No. 449 R.S. 30:1137 (A) and (B). Specifically: Transporting and Disposing of a hazardous waste (spent catalyst) to a non-secure disposal site; and failure to declare a hazardous waste (laboratory sample bottles and contents) on the Notification form.

I. On the Matter of Spent Catalyst.

This Department received Good Hope Refinery's Notification form on 11/1/79, upon which waste stream 316 10 was listed as 1 under "Degree of Care." On 1/30/80, Mr. Thomas Keyse's correspondence to Mr. Frank Elvin changed the Degree of Care of the spent catalyst to 2, therefore, automatically requiring your company to dispose of this material in an approved Class I, hazardous waste facility.

On February 21, 1980, representatives of this agency personally called on Mr. Elvin and explained that waste streams listed under this Degree of Care (2) could no longer be disposed of at the DSI sanitary landfill in Kenner which was the disposal facility currently being used by Good Hope Refinery.

This Department has not changed its policy in regard to your waste stream #316-10 and regards the spent catalyst as toxic due to inherent heavy metal concentrations. We are aware of your consultants' (URS) correspondence of April 15, 1980 which lists several metallic components as non-hazardous, after testing by Extraction Procedure 40 CFR Part 250 Subpart A(250.13d). Since you have attempted to deregulate this waste by following federal test procedures, your attention is hereby directed to the attached page 143, of EPA's most current waste regulation guidelines, in which EPA specifically states that "the Extraction Procedure fails to take into account such factors as concentration of toxicants, and the quantity of such wastes generated which could have a bearing on the hazardousness of the material disposed."

This Department further believes that the inherent high concentrations of these metals (see the attached Departmental laboratory report by Enviro-Med Labs), and the lack of management demonstrated by the negligent manner of disposal by Good Hope, may cause serious or irreversible damage to human health at the present DSI landfill. Our investigators have frequently observed that this fine particulate material, which averages 80 microns in size, is scattered about the dumpsite, used as roadbed filler, easily becomes airborne or fugitive, and is consequently inhaled by dumpsite workers, truckers, and every motorist passing within the vicinity of the dumpsite on Highway 61 at Kenner, La.

Since Good Hope Refinery has not considered the probability of airborne pollution by this waste, and under the guidelines of Louisiana's Environmental Affairs Act, Act 449, R.S. 30:1072, Good Hope Refinery is hereby ordered to cease disposal of this waste stream in any manner, other than that provided for hazardous wastes. Good Hope Refinery is also hereby ordered to retrieve all of the catalytic fines previously dumped at the DSI landfill in Kenner and properly dispose of same at an approved hazardous waste disposal site, within ten (10) working days of receipt of this order. Manifests recording this disposal, shall be forwarded to this office promptly, and Good Hope Refinery will notify this agency when clean-up is complete, so that investigators may determine if all contaminants have been removed.

11. On the Matter of Waste Laboratory Sample Bottles.

On or about May 8, 1980, a truckload of laboratory sample bottles with identifying labels from Good Hope Refinery were discarded at the Arcola Sanitary Landfill in Tangipahoa parish. Some of these bottles were intact and the liquid contents are being completely analyzed by this Department, however, preliminary tests indicate that the contents are hazardous under Category III A.1, Ignitability, relative to Louisiana's rules and regulations governing hazardous wastes.

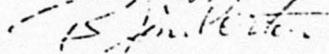
Since Mr. Frank Elvin neglected to list laboratory wastes on the Notification form of 11/1/79, Good Hope Refinery has therefore violated the rules specific to the Notification procedure, and again concerning the improper disposal of hazardous wastes.

This Department must consequently order that Good Hope seriously review the Notification as submitted and prepare an addendum listing all refinery hazardous wastes not heretofore previously declared. Your attention is also referred to the omission from this form of 11/1/79 of:

1. Discarded asbestos piping and vessel insulation.
2. Cooling water blowdown.
3. Painting wastes such as containers, rags, or solvents.
4. Condensation or precipitation that is in contact with stored products such as leaded gasoline, etc.

Good Hope Refinery must take immediate steps to resolve both problems previously discussed above, and you are reminded that continued negligence relative to these obligations to the State of Louisiana will result in legal actions by this agency against your firm.

Sincerely,



B. JIM PORTER

Assistant Secretary

Office of Environmental Affairs